

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 20-CR-00454(SJ) (CLP)
:
:
-against- : United States Courthouse
: Brooklyn, New York
:
:
JEREMY TRAPP, : Friday, April 30, 2021
: 9:00 a.m.
:
Defendant. :
:

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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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Proceedings - Via Videoconference

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1 (In open court.)

2 (All participants via videoconference.)

3 (Magistrate Judge CHERYL L. POLLAK presiding.)

4 THE COURTROOM DEPUTY: This is the matter of United
5 States versus Jeremy Trapp, case number 20-CR-454 and
6 20-CR-308. This is a criminal cause for a pleading.

7 For the record, it is 9:02 a.m. on April 30th, 2021.
8 Counsel, please state your appearances for the
9 record.

10 MS. WINIK: Good morning, Your Honor.
11 Sara Winik and Francisco Navarro for the United
12 States.

13 THE COURT: Good morning.

14 MS. BURRELL: And on behalf of Mr. Trapp, this is
15 Ashley Burrell for the Federal Defenders.

16 Good morning, Your Honor.

17 THE COURT: Good morning.

18 Good morning, Mr. Trapp. I take it that you
19 understand English?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Yes, you are going to have to get
22 a little closer to the computer so I can hear you.

23 If at any point something is said that you don't
24 understand, please let me know.

25 Okay?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay.

3 The first issue I want to deal with this morning is
4 your consent to proceed by way of this video conference.

5 THE DEFENDANT: Yes.

6 THE COURT: Normally, we would all be in the
7 courthouse. You would be there, Ms. Burrell would be there,
8 the Government's attorneys would be there, and I would be
9 there as well, but because the COVID pandemic is still out
10 there, the number of proceedings in the courthouse are limited
11 at this point in time. So, under The Cares Act we are
12 permitted to proceed with this guilty plea if you, the
13 defendant, agree to go forward and there is a finding that it
14 is necessary to proceed at this time.

15 So, first off, Ms. Burrell, have you explained all
16 of this to Mr. Trapp?

17 MS. BURRELL: Yes, I have, Your Honor.

18 THE COURT: And does he consent to proceed by way of
19 video conference today?

20 MS. BURRELL: He does.

21 THE COURT: All right. And the reason that we need
22 to do this today is what?

23 MS. BURRELL: Yes, based -- yes, there is, Your
24 Honor.

25 Based on Mr. Trapp's relatively low guidelines and

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1 the fact that he's already served some time and we anticipate
2 requesting a time served sentence at sentencing, we are
3 requesting that we move forward on this case.

4 THE COURT: All right, and the Government has no
5 objection, I am assuming?

6 MS. WINIK: Yes, Your Honor, that's correct.

7 THE COURT: Okay.

8 All right, so I will make the necessary finding that
9 the defendant has consented and that the proceeding is
10 appropriate to go forward today given the current pandemic and
11 also, the need to get the guilty plea done so that we can
12 determine whether there is a time served sentence. So, we
13 need to move quickly on this.

14 So, the next issue I want to deal with, Mr. Trapp,
15 is your consent to have me hear your plea.

16 You understand that this is Judge Johnson's cases; I
17 guess these are both now Judge Johnson's cases.

18 Is that correct, the second one was transferred from
19 Judge Donnelly to Judge Johnson?

20 MS. WINIK: That's correct, Your Honor.

21 THE COURT: Okay, so these cases are before District
22 Judge Sterling Johnson, and he is the judge who will sentence
23 you and who will make the ultimate decision as to whether or
24 not to accept your plea of guilty.

25 If you wish, you have the absolute right to have

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1 Judge Johnson hear your plea; and if you choose to do that,
2 there will be no prejudice to you.

3 On the other hand, if you wish I will hear your plea
4 this morning and a transcript will be made by the court
5 reporter, who you see there, and that transcript will be given
6 to Judge Johnson to review at the time of your sentence and
7 when he makes his decision as to whether or not to accept your
8 plea of guilty.

9 Do you wish to give up your right to have Judge
10 Johnson hear your plea and proceed instead before me this
11 morning?

12 THE DEFENDANT: (No response.)

13 THE COURT: Do you understand the question?

14 MS. BURRELL: Do you understand it?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you agree to have me hear your plea
17 this morning?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay, thank you.

20 Do you make this decision voluntarily and of your
21 own free will?

22 THE DEFENDANT: Yes.

23 THE COURT: Has anyone made any threats or promises
24 to get you to agree to have me hear your plea?

25 THE DEFENDANT: Yes, Your Honor.

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1 MS. BURRELL: No. Has anyone threatened you to have
2 this judge hear your plea?

3 THE DEFENDANT: (Inaudible.)

4 MS. BURRELL: Okay, so say no a little louder.

5 THE DEFENDANT: No.

6 THE COURT: All right.

7 And I believe there was a consent form signed and
8 filed.

9 MS. BURRELL: That's correct, Your Honor.

10 THE COURT: All right.

11 So, now, Mr. Trapp, before I can hear your plea,
12 there are a number of questions that I must ask you to ensure
13 that it is a valid plea.

14 Again, if you don't understand my question, I'll
15 rephrase it for you. Okay, just let me know. Okay?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. So, Mr. Trapp, would you
18 raise your right hand, please?

19 Do you solemnly swear that the answers you are about
20 to give this Court in this proceeding will be the truth, the
21 whole truth, and nothing but the truth, so help you God?

22 THE DEFENDANT: Yes, I swear.

23 THE COURT: All right, you can put your hand down.

24 All right, you understand that having been sworn,
25 your answers to my questions will be subject to the penalties

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1 of perjury or making a false statement if you don't answer
2 them truthfully.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: What is your full name?

6 THE DEFENDANT: Jeremy Trapp.

7 THE COURT: And how old are you, sir?

8 THE DEFENDANT: 25.

9 THE COURT: Okay. How far did you go in school?

10 THE DEFENDANT: I finished high school. I didn't
11 finish college.

12 THE COURT: Okay, how many years of college did you
13 complete?

14 THE DEFENDANT: About a year-and-a-half.

15 THE COURT: Okay.

16 Have you had any problems communicating with
17 Ms. Burrell, your attorney?

18 THE DEFENDANT: No.

19 THE COURT: Okay.

20 Counsel, have you had any problems communicating
21 with Mr. Trapp?

22 MS. BURRELL: No, I haven't had any problems, Your
23 Honor.

24 THE COURT: Thank you.

25 Mr. Trapp, are you presently or have you recently

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1 been under the care of either a physician or a psychiatrist?

2 Have you seen a doctor or a psychiatrist recently?

3 THE DEFENDANT: No.

4 THE COURT: No.

5 MS. BURRELL: A little louder.

6 THE DEFENDANT: No.

7 THE COURT: All right. In the last twenty-four
8 hours, have you taken any narcotic drugs?

9 THE DEFENDANT: Narcotic drugs, no.

10 THE COURT: Okay. Any medicine or pills of any kind
11 in the last twenty-four hours?

12 THE DEFENDANT: Yes, I take a medication -- it's a
13 medication I take for -- it's a medication that I take for
14 sleeping pills, but I don't know the name of it, Your Honor.
15 I'm sorry.

16 THE COURT: And you took it when, last night?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay.

19 Does it affect your ability this morning to think
20 clearly?

21 THE DEFENDANT: No.

22 THE COURT: Okay.

23 Have you had any alcohol to drink in the last
24 twenty-four hours?

25 THE DEFENDANT: Absolutely not, Your Honor.

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1 THE COURT: Okay. Have you ever been hospitalized
2 or treated for narcotics addiction?

3 THE DEFENDANT: No.

4 THE COURT: Okay.

5 Have you ever been treated for any mental or
6 emotional problems?

7 THE DEFENDANT: No.

8 THE COURT: As you sit here before me today, is your
9 mind clear?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand what we are doing here
12 today?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay.

15 All right, Ms. Burrell, have you discussed the
16 matter of pleading guilty with your client?

17 MS. BURRELL: Yes, I have, Your Honor.

18 THE COURT: Okay.

19 MS. BURRELL: To clarify for the record, Mr. Trapp
20 has seen a counselor in the past and is currently receiving
21 mental health treatment through Pretrial Services.

22 THE COURT: Okay.

23 So, Mr. Trapp, you are seeing a counselor. Has he
24 prescribed any drugs or medicine for you in connection with
25 that treatment?

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1 THE DEFENDANT: Yes, I have. Yes, I have, Your
2 Honor, just medicine, no narcotic drugs.

3 THE COURT: Okay. What is the medicine?

4 Is that the sleeping medicine that you talked about
5 a minute ago?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Anything else? Just that?

8 THE DEFENDANT: Just that, nothing else.

9 THE COURT: Okay. And otherwise, you just talk to
10 him on a regular basis?

11 THE DEFENDANT: Yes, yes.

12 THE COURT: Okay, all right, thank you.

13 Thank you, Ms. Burrell, for clarifying that.

14 So, Ms. Burrell, you said you've discussed the
15 matter with your client.

16 Does he understand the rights that he will be
17 waiving by pleading guilty here?

18 MS. BURRELL: Yes, does.

19 THE COURT: And is he capable of understanding the
20 nature of these proceedings?

21 MS. BURRELL: Yes, he is, Your Honor.

22 THE COURT: All right, do you have any doubt as to
23 his competence to plead at this time?

24 MS. BURRELL: No, I do not.

25 THE COURT: Have you advised him of the maximum

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1 sentence and the fine that can be imposed as a result of his
2 plea here?

3 MS. BURRELL: Yes, I have.

4 THE COURT: And have you discussed with him the
5 operation of the sentencing guidelines in this case?

6 MS. BURRELL: Yes, I have, Your Honor.

7 THE COURT: All right. So, you can switch back now
8 because I am going to talk to Mr. Trapp.

9 So, Mr. Trapp, you understand that you are charged
10 with two felony charges that we are going to be discussing
11 today and that you have the right to be represented by an
12 attorney in connection with these charges?

13 Do you understand that? Right?

14 THE DEFENDANT: Yes, Your Honor, I understand that.

15 THE COURT: Okay, thank you.

16 Have you had enough time to discuss your case with
17 Ms. Burrell?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And are you satisfied to have her
20 represent you?

21 THE DEFENDANT: Yes, I do, Your Honor.

22 THE COURT: Okay.

23 Now, I don't have paper copies of the Indictments in
24 front of me, but there are two Indictments.

25 The first one has the docket number of 20-CR-308.

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1 Have you received a copy of this Indictment,
2 Mr. Trapp?

3 THE DEFENDANT: Yes, I am -- yes, I do.

4 THE COURT: Okay. My understanding is that you seek
5 to plead guilty to Count One of this Indictment, is that
6 correct, everyone?

7 MS. WINIK: Yes, Your Honor.

8 MS. BURRELL: That's correct.

9 THE COURT: All right, so Count One of Indictment
10 20-CR-308 charges you with on or about July 17th, 2020, within
11 the Eastern District of New York and elsewhere, you did
12 willfully with the intent to endanger the safety of any person
13 on board and any person whom you believed would be on board
14 and with reckless disregard for the safety of human life, did
15 damage, disable, destroy, tamper with and attempt to damage,
16 disable, destroy and tamper, with a motor vehicle that was
17 used, operated and employed in interstate and foreign
18 commerce, specifically a New York City Police Department
19 vehicle in Brooklyn, New York in violation of United States
20 law.

21 Do you understand what you have been charged with,
22 Mr. Trapp?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: Now, there is a second Indictment
25 bearing the docket number of 20-CR-454.

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1 And, again, my understanding is that you are
2 pleading guilty to Count One of this Indictment.

3 Counsel, is that correct?

4 MS. WINIK: Yes, Your Honor.

5 MS. BURRELL: Correct, Your Honor.

6 THE COURT: Okay.

7 And that charge reads as follows: In or about and
8 between June 2020 and July 2020, both dates being approximate
9 and inclusive, within the Eastern District of New York and
10 elsewhere, you, together with others, did knowingly and
11 intentionally devise a scheme and artifice to defraud the
12 Small Business Administration and to obtain money and property
13 from it by means of materially false and fraudulent pretenses,
14 representations and promises; and to execute this scheme you
15 transmitted and caused to be transmitted wire communications
16 in interstate commerce, specifically a fraudulent Economic
17 Injury Disaster Loan application, again, in violation of
18 United States law.

19 Do you understand what you have been charged with in
20 this count, Mr. Trapp?

21 THE DEFENDANT: Yes, I do, Your Honor.

22 THE COURT: Okay. And you have discussed both of
23 these charges with Ms. Burrell, correct?

24 THE DEFENDANT: Yes. Yes, Your Honor.

25 THE COURT: Okay.

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1 Now, I want to make sure that you understand the
2 rights that you will be giving up if you decide to plead
3 guilty to these charges.

4 If you were to persist in pleading not guilty, under
5 the Constitution and the laws of the United States you would
6 be entitled to a speedy and public trial by a jury with the
7 assistance of counsel on the charges contained in those
8 Indictments.

9 Do you understand that?

10 THE DEFENDANT: Yes, Your Honor, I truly understand.

11 THE COURT: At the trial you would be presumed
12 innocent and the Government would have to overcome that
13 presumption and prove you guilty by competent evidence and
14 beyond a reasonable doubt. You would not have to prove that
15 you were innocent. If the Government were to fail, the jury
16 would have the duty to find you not guilty.

17 Do you understand that?

18 THE DEFENDANT: Yes, I understand that.

19 THE COURT: In the course of a trial, the witnesses
20 for the Government would have to come to court. They would
21 have to testify in your presence. Your attorney would have
22 the right to cross-examine those witnesses for the Government,
23 to object to any evidence offered by the Government, and to
24 subpoena witnesses and offer testimony and evidence on your
25 behalf.

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1 Do you understand that?

2 THE DEFENDANT: Yes, I understand, Your Honor.

3 THE COURT: At the trial, while you would have the
4 right to testify if you chose to do so, you could not be
5 forced to testify. Under the Constitution of the United
6 States, a defendant in a criminal case cannot be forced to
7 take the witness stand and say anything that could be used to
8 show that he is guilty of the crime with which he has been
9 charged. If you were to decide not to testify, the Court
10 would instruct the jury that they could not hold that decision
11 against you.

12 Do you understand that?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: If you plead guilty, on the other hand,
15 I am going to have to ask you certain questions about what it
16 is that you did in order to satisfy myself that you are, in
17 fact, guilty of the charges to which you seek to plead guilty,
18 and you are going to have to answer my questions and
19 acknowledge your guilt.

20 Thus, you will be giving up that right that I just
21 described; that is, the right not to say anything that could
22 be used to show that you are guilty of the crime with which
23 you have been charged.

24 Do you understand that?

25 THE DEFENDANT: Yes, I do.

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1 THE COURT: If you plead guilty and I recommend to
2 Judge Johnson that he accept your pleas of guilty, you will be
3 giving up your constitutional right to a trial and all of the
4 other rights that I have just described. There will be no
5 further trial of any kind. Judge Johnson will simply enter a
6 judgment of guilty based upon your guilty plea.

7 Do you understand that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay.

10 Are you willing to give up your right to a trial and
11 the other rights that I have just described?

12 THE DEFENDANT: (No response.)

13 THE COURT: Do you understand the question?

14 Are you willing to give up your right to a trial?

15 THE DEFENDANT: Yeah.

16 THE COURT: Okay.

17 And in doing so, you are giving up the other rights
18 that we just discussed; the right to remain silent, the right
19 to present evidence.

20 Do you understand that?

21 MS. BURRELL: Apologies, Your Honor, I think he
22 might have a question at this point. So, we would like to
23 confer quickly.

24 THE COURT: I couldn't hear you.

25 MS. BURRELL: I think Jeremy -- Mr. Trapp has a

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1 quick question for me, so I am just going to confer with him
2 quickly.

3 THE COURT: Oh, of course. Sorry, I just didn't
4 understand what you said. Go ahead.

5 (Counsel and the witness confer off the record.)

6 THE COURT: Ms. Burrell, are we okay?

7 MS. BURRELL: Yes, we're good, Your Honor. Thank
8 you.

9 THE COURT: I am just going to repeat the last
10 question.

11 So, Mr. Trapp, are you willing to give up your right
12 to a trial and the other rights that we have just been
13 discussing?

14 THE DEFENDANT: Yes.

15 THE COURT: Now, I understand there is a written
16 plea agreement that I don't have a formal copy of, but I would
17 mark it as Court Exhibit 1 for purposes of these proceedings.

18 (Court's Exhibit 1 was received in evidence.)

19 THE COURT: Have you seen that plea agreement,
20 Mr. Trapp?

21 THE DEFENDANT: The plea agreement (Displaying.)

22 THE COURT: Okay, great. Have you had a chance to
23 read it?

24 THE DEFENDANT: Yes.

25 THE COURT: And did you discuss it with Ms. Burrell?

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1 THE DEFENDANT: Yes, I did.

2 THE COURT: Okay.

3 And do you understand what it says?

4 THE DEFENDANT: Yes, I do, Your Honor. I understand
5 what it says.

6 THE COURT: Okay. And have you signed it on the
7 last page there? Is that your signature?

8 THE DEFENDANT: Yes, that is my signature.

9 THE COURT: Okay.

10 Does this agreement fully and accurately reflect
11 your understanding of the agreement that you have with the
12 Government?

13 THE DEFENDANT: Yes.

14 THE COURT: Other than the promises in the
15 agreement, has anyone made any other promise that has caused
16 you to plead guilty here?

17 THE DEFENDANT: I'm sorry, I can't hear that
18 question.

19 Can you repeat that again, Your Honor?

20 THE COURT: Sure.

21 Other than the promises in the agreement, has
22 anybody else made a promise to you that has caused you to
23 plead guilty today?

24 THE DEFENDANT: Yes -- oh, no, no, no, no. Whoa, oh
25 my God, that was a mistake.

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1 THE COURT: That's okay. You understand the
2 question, right?

3 I just want to know if anybody has said: Plead
4 guilty today and we promise you'll get some sort of benefit.
5 Has anybody said that to you?

6 THE DEFENDANT: No.

7 THE COURT: Okay, all right.

8 THE DEFENDANT: No.

9 THE COURT: All right.

10 Has anyone made any promise to you as to what your
11 sentence will be?

12 THE DEFENDANT: (No response.)

13 THE COURT: Has anybody promised you a specific
14 sentence?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Okay.

17 I now want to discuss with you the sentencing scheme
18 that applies here. Okay?

19 So, the statute that you are accused of violating in
20 the Indictment 20-CR-308 carries a minimum term of zero years
21 in prison, but a maximum of possibly twenty years in prison.

22 Do you understand that?

23 THE DEFENDANT: Yes, I do understand that.

24 THE COURT: Okay. And the charge in the Indictment
25 20-CR-454 is the same, it carries a minimum term of

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1 imprisonment of zero years, but a maximum of up to possibly
2 twenty years in prison.

3 You understand that?

4 THE DEFENDANT: Yes, I do understand that.

5 THE COURT: All right.

6 So, now, there are, in effect, what are called
7 sentencing guidelines and those guidelines are merely that, a
8 guide to help the Court determine where within that zero to
9 twenty-year range your sentence should fall. The guidelines
10 are not mandatory, but the Court is required to consider the
11 guidelines, along with all other relevant factors, in
12 determining what an appropriate sentence for you should be.

13 Do you follow me so far?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay.

16 Now, the important thing you must understand is that
17 until the time of sentencing when Judge Johnson is going to
18 get what is called a pre-sentence report, which will be
19 prepared by the Probation Department following your plea here,
20 and the judge then has an opportunity to hear from you and to
21 hear from Ms. Burrell and to hear from the Government, until
22 that time no one can promise you exactly what your sentence
23 will be. Not Ms. Burrell, not the Government's attorneys, not
24 me, not even Judge Johnson until then.

25 Do you understand that?

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1 THE DEFENDANT: Yes, I understand that.

2 THE COURT: Okay.

3 Nevertheless, I am going to ask the Government just
4 to put on the record what your calculation of the guideline
5 range would be under both charges so that Mr. Trapp can
6 understand what your position is. Okay?

7 MS. WINIK: Yes, Your Honor.

8 Taking the grouping analysis into account, the
9 Government estimates a guidelines range of 12 to 18 months,
10 assuming the defendant falls into Criminal History Category I,
11 and assuming a minus three points for timely accepting
12 responsibility.

13 THE COURT: Okay.

14 And, Ms. Burrell, do you have any quarrel with the
15 Government's estimate that you want to put on the record at
16 this point?

17 MS. BURRELL: No, Your Honor. We agree with that
18 guidelines calculation.

19 THE COURT: All right.

20 So, Mr. Trapp, where are you? There you are, okay.

21 So, you understand that is the Government's estimate
22 of what they think your guideline range would be. It may be
23 that once the Probation Department prepares its report and the
24 judge reads the report, a different guideline range might be
25 appropriate. If that happens, you understand you will not be

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1 allowed to withdraw your guilty plea.

2 Do you understand that?

3 THE DEFENDANT: Yes, I understand that.

4 THE COURT: Okay, all right.

5 Now, you also understand that as a result of your
6 plea you face a term of supervised release.

7 Do you know what supervised release is?

8 THE DEFENDANT: That means Probation comes to check
9 up on you. You're being watched, that's what it means.

10 THE COURT: That's pretty much right. So, you will
11 be released from jail once you have completed your sentence,
12 and at that point you will be subject to supervision, normally
13 by a probation officer, and there will be certain restrictions
14 placed on your freedom. Reporting to the probation officer is
15 one common example.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay.

19 As a result of your plea to these charges, you face
20 a term of supervised release of three years, and if you
21 violate any of the conditions of supervised release you can be
22 sentenced up to two years in prison without getting any credit
23 for the time that you previously served in prison and without
24 getting any credit for the time that you served successfully
25 on supervised release up until the date that you committed the

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1 violation.

2 Do you understand that?

3 THE DEFENDANT: Yes, Your Honor, I understand that.

4 THE COURT: Okay. You also face potential fines
5 under both counts. The maximum fine under each count is the
6 greater of \$250,000 or the gross gain or gross loss.

7 Let me ask the Government, do you have any estimate
8 of what that gross gain or loss might be?

9 MS. WINIK: Your Honor, at this point we would
10 assume that it would be the greater of \$250,000 would apply as
11 the maximum fine here.

12 THE COURT: Okay, all right.

13 You understand that, Mr. Trapp?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: Okay. And you also may have to pay
16 restitution.

17 Again, does the Government have an estimate of what
18 that might be?

19 THE DEFENDANT: I have no idea.

20 MS. WINIK: I don't at this time, Your Honor, have
21 an estimate, but I will note that the defendant was charged
22 with stealing approximately \$52,500 from the Government.

23 THE COURT: Okay. Well, so we don't know exactly
24 what the restitution might be, but that gives you some sort of
25 a sense.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay.

4 And finally, you are required to pay a
5 one-hundred-dollar special assessment for each count, for a
6 total of \$200.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay.

10 Now, the other thing you must understand is that the
11 sentences under the two different indictments can be imposed
12 consecutively.

13 Do you know what that means?

14 THE DEFENDANT: You have to do the time --

15 THE COURT: Go ahead.

16 THE DEFENDANT: You have to do the time and then you
17 have to wait and do the other time.

18 THE COURT: Okay, that's right. You might be
19 sentenced to ten years on Count One and ten years on the other
20 Indictment, and you complete the ten years and then you would
21 start the next ten years.

22 I'm not saying ten years is the number, I'm just
23 using ten years as an example.

24 You understand?

25 THE DEFENDANT: Yes, I do.

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1 THE COURT: Okay, all right.

2 Now, you also understand that you can appeal your
3 conviction if you believe that your guilty plea here was
4 somehow unlawful or involuntary or there was some other
5 fundamental defect in these proceedings that was not waived by
6 your plea.

7 You also have a statutory right to appeal your
8 sentence under certain circumstances if you believe that your
9 sentence is contrary to law.

10 Unfortunately, my computer has now frozen, so what I
11 was going to say is that he has agreed not to appeal his
12 sentence so long as the Court imposes a term of imprisonment
13 of what? I can't get my computer to work.

14 MS. WINIK: Your Honor, according to the plea
15 agreement, it's 21 months or below.

16 THE COURT: Okay.

17 So, you understand that you cannot appeal as long as
18 the judge imposes a sentence of 21 months or less?

19 Do you understand that?

20 THE DEFENDANT: Yes, I understand that.

21 THE COURT: Okay.

22 All right, is there anything else in the plea
23 agreement that I should advise the defendant of?

24 MS. WINIK: Not from the Government, Your Honor.

25 THE COURT: Ms. Burrell.

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1 MS. BURRELL: The plea agreement also includes that
2 the Government will not be asking for an upward departure of
3 the sentencing guidelines.

4 THE COURT: Okay. Is that correct, counsel?

5 MS. WINIK: Yes, Your Honor.

6 THE COURT: Ms. Winik, okay.

7 Mr. Trapp, come back.

8 Okay, you understand what Ms. Burrell just said?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay.

11 All right, okay, do you have any questions that you
12 would like to ask me about the charges or your rights or the
13 plea agreement or anything else before we proceed in?

14 MS. BURRELL: Any questions?

15 THE COURT: Do you have any questions?

16 THE DEFENDANT: Do I have any questions? I have to
17 plead guilty.

18 MS. BURRELL: Okay, so tell her.

19 THE COURT: No questions?

20 THE DEFENDANT: No.

21 THE COURT: Okay.

22 All right, are you ready to plead at this time?

23 THE DEFENDANT: Yes.

24 THE COURT: Counsel, do you know of any reason why
25 the defendant should not plead guilty?

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1 MS. BURRELL: No, Your Honor.

2 THE COURT: Are you aware of any viable legal
3 defense to the charges?

4 MS. BURRELL: No, Your Honor.

5 THE COURT: All right.

6 Jeremy Trapp, what is your plea to the charge
7 contained in Indictment 20-CR-308, guilty or --

8 THE DEFENDANT: Guilty.

9 THE COURT: -- not guilty?

10 THE DEFENDANT: Guilty.

11 THE COURT: What is your plea to the charge
12 contained in Indictment 20-CR-454, guilty or not guilty?

13 THE DEFENDANT: Guilty.

14 THE COURT: Are you making these pleas of guilty
15 voluntarily and of your own free will?

16 THE DEFENDANT: What does that mean? What does that
17 mean, if I'm pleading guilty to both charges?

18 THE COURT: Yes.

19 And are you doing this freely, based on your own
20 free will, voluntarily, nobody is --

21 THE DEFENDANT: Yes.

22 THE COURT: -- is forcing you to do this, correct?

23 THE DEFENDANT: Yes, I'm pleading guilty.

24 THE COURT: Okay.

25 Has anyone threatened you or forced you to plead

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1 guilty?

2 THE DEFENDANT: No.

3 THE COURT: Okay.

4 Now, I read the charge to you a few minutes ago.

5 Let's take the charge in Indictment 20-CR-308 first. That's
6 the one endangering the safety of the people in the police
7 vehicle.

8 Can you tell me in your own words what did you do?

9 THE DEFENDANT: On July 17th, 2020 I knowingly
10 damaged an NYPD police van. I cut a wire underneath the van.
11 This took place in Brooklyn, New York.

12 THE COURT: Okay.

13 Anything I should ask, Ms. Winik, further on that
14 charge before I move to the next one?

15 MS. WINIK: Your Honor, the Government would just
16 proffer that the vehicle, the NYPD damaged vehicle was used,
17 operated and shipped in interstate commerce.

18 THE COURT: All right.

19 So, turning to Indictment 20-CR-454, Mr. Trapp, can
20 you tell me what you did in connection with the Small Business
21 Administration loan?

22 THE DEFENDANT: Okay, wire fraud. During the summer
23 of 2020, which that was last year, I applied for a loan from
24 the Small Business Association, I filled out a paper work --

25 THE COURT: Start over because the court reporter

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1 missed some of it.

2 THE WITNESS: Okay, no problem.

3 THE COURT: Thank you.

4 THE WITNESS: During the summer of 2020, which that
5 was last year, I applied for a loan from the Small Business,
6 yes, the SBA. I filled out a paper work where I made false
7 statements and representations about a car washing business.
8 I received money in my bank account for this loan. Again,
9 this took place in Brooklyn, New York.

10 THE COURT: Okay.

11 And what is the Government's proffer with respect to
12 the use of interstate wires?

13 MS. WINIK: The Government would proffer that the
14 Economic Injury Disaster Loan program application that the
15 defendant submitted through an online portal was routed
16 through servers in Iowa and processed in Texas and, thereby,
17 used interstate wires.

18 THE COURT: Okay.

19 So, Mr. Trapp, is that fair to say that you
20 submitted your application by computer?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay.

23 MS. WINIK: Your Honor.

24 THE COURT: Yes, go ahead.

25 MS. WINIK: I would also ask that Mr. Trapp say the

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1 false information that he -- I know he mentioned a car wash
2 business, but say the false information that he put in the
3 application.

4 THE COURT: What was false about your application?

5 THE DEFENDANT: I put in a false application. Like,
6 I put in that I was -- that I had ten -- I had a maximum of
7 ten employees, a gross of \$150,000 that I -- that I -- that I
8 lied about and applied for a loan. And then I got like
9 42,000, and then an extra 10,000 wired.

10 THE COURT: Okay. And did you have a car wash at
11 all?

12 THE DEFENDANT: No.

13 THE COURT: Okay.

14 All right, anything else I should inquire of the
15 defendant at this time? Ms. Winik?

16 MS. WINIK: I would just say that when Mr. Trapp
17 said the summer, it would be June and July 2020; but nothing
18 else from the Government.

19 THE COURT: Is that correct, Mr. Trapp, June and
20 July of last year?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay.

23 Ms. Burrell, anything I should inquire further of
24 your client?

25 MS. BURRELL: Nothing further, Your Honor.

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1 THE COURT: All right.

2 Based on the information given to me, I find that
3 the defendant is acting voluntarily, fully understands his
4 rights and the consequences of his plea, and that there is a
5 factual basis for the pleas to both counts.

6 I will, therefore, recommend to Judge Johnson that
7 he accept your plea of guilty to Count One in Indictment
8 20-CR-308 and to Count One in 20-CR-454.

9 What happens next, Mr. Trapp, is you are going to
10 meet with someone from the Probation Department to prepare
11 that pre-sentence report that we talked about a little bit
12 earlier. I urge you to cooperate with them; obviously, with
13 Ms. Burrell's advice.

14 And I don't know, Chloe, did Judge Johnson set a
15 date for sentencing yet?

16 THE COURTROOM DEPUTY: I don't see it.

17 THE COURT: Well, stay in touch with your attorney
18 because, hopefully, the judge will set a date shortly. Okay?

19 THE DEFENDANT: No problem.

20 THE COURT: All right.

21 THE DEFENDANT: I will.

22 THE COURT: All right, everyone, unless there is
23 anything else, I wish you all a good day. Okay?

24 Thank you.

25 MS. BURRELL: Thank you, Judge.

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1 MS. WINIK: Thank you, Judge.

2 THE DEFENDANT: I pleaded guilty.

3 THE COURT: Thank you.

4 (Matter adjourned.)

5 (All parties disconnected.)

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10 * * * * *

11

12 I certify that the foregoing is a correct transcript from the
13 record of proceedings in the above-entitled matter.

14 /s/ Stacy A. Mace

April 30, 2021

15 _____
STACY A. MACE

DATE

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SAM

OCR

RMR

CRR

RPR